

UNITED STATES DISTRICT COURT
 for the
Eastern District of Michigan

United States of America

v.

JASON E. GIBBS

Case: 2:20-mj-30226
Case No. Assigned To : Unassigned
Assign. Date : 7/6/2020
USA V. GIBBS (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of From December 2017 to May 2018 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 659	theft of goods from interstate shipments of freight

This criminal complaint is based on these facts:

see attached affidavit

Continued on the attached sheet.

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: July 6, 2020

City and state: Detroit, MI


Mykeita Brown
 Complainant's signature

Mykeita Brown, U.S. Postal Inspector
 Printed name and title


R. Steven Whalen, U.S. Magistrate Judge
 Printed name and title

CRIMINAL COMPLAINT AFFIDAVIT

I, MYKEITA BROWN, being duly sworn, hereby depose and state:

INTRODUCTION

1. I am a United States Postal Inspector, currently assigned to the Detroit Division Headquarters of the United States Postal Inspection Service, and I have been so employed since May 11, 2019. I am assigned to the Mail Theft and External Crimes Team. My duties and responsibilities as a United States Postal Inspector include, but are not limited to, investigating violations of federal law, including 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1028 (identity theft), 18 U.S.C. § 1028A (aggravated identity theft), and 18 U.S.C. § 1029 (access device fraud).

2. The information contained in this affidavit is based on my training, experience, personal knowledge, and observations during the course of this investigation, information provided to me by other law enforcement officers, information provided to me by witnesses, and my review of documents and communications with others who have personal knowledge of the events and circumstances described herein. Other law enforcement officers who have participated in this investigation are Postal Inspector Christopher Bradshaw and Special Agents Brian Bolash and Randi Tinglan of the CSX Police Department.

3. As this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a criminal complaint and arrest warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation.

BACKGROUND

4. I am currently investigating **JASON EDWARD GIBBS**, date of birth September 21, 1978, whose last known address was 3452 Monroe Street, Dearborn, Michigan, for the theft of goods from interstate shipments, in violation of 18 U.S.C. § 659. As explained below, GIBBS is responsible for the theft of over 1,000 key fobs associated with new cars manufactured by the Ford Motor Company (Ford), Fiat Chrysler Automobiles (FCA, hereinafter Chrysler), and General Motors (GM).¹ The key fobs were stolen from the new cars while or shortly before or after they were loaded onto freight cars at a CSX Transportation, Inc. railyard and distribution center in New Boston, Michigan, near Detroit Metropolitan Airport (the New Boston facility). CSX Transportation is a major railroad system that moves freight throughout the eastern United States, serving major population centers in 23 states.

¹ For purposes of this affidavit, the term “car” includes sedans, minivans, SUVs, and pickup trucks.

5. The CSX Police Department (CSX PD) is an entity within CSX Transportation (hereinafter CSX). It is responsible for the safety and security of CSX personnel and property. It is also responsible for investigating crimes committed by or against CSX personnel; crimes involving CSX equipment, assets, or other property; and crimes occurring on CSX property. The law enforcement activities of the CSX PD are carried out by special agents of the CSX PD.

6. The New Boston facility was and is operated by a subsidiary of CSX called TDSI (Total Distribution Services Inc.). TDSI offered and offers vehicle-handling services through a network of automobile-distribution and storage facilities. The New Boston facility is one of several CSX/TDSI facilities. Others, for example, are located in Louisville, Kentucky; Tampa, Florida; and East Brookfield, Massachusetts.

7. New cars assembled in Michigan and nearby states are transported by tractor-trailer car carriers (car carriers) to the New Boston facility. Each car is unlocked, and inside of each car are 2 key fobs, typically zip tied together. Key fobs are used by the porters at the New Boston facility to drive cars off of the car carriers and park them in the large parking lot at the New Boston facility. Within a day or two, the porters use the key fobs to drive the cars from the parking lot onto autoracks. An autorack is a specialized railroad freight car used to transport cars. (Autoracks are either bilevel (two decks) or trilevel (three decks).) Once a car is

driven onto an autorack, its two key fobs are left inside of the car, which remains unlocked. When an autorack is full, it is sealed. Autoracks then become a part of a CSX freight train. The destinations of these CSX freight trains are all located outside of Michigan.

8. When a CSX freight train carrying new cars arrives at its destination, which would be another CSX/TDSI facility, the autoracks are unsealed, and the cars are driven off the autoracks and onto the parking lot and inspected. The cars are then transported to car dealerships, either by being driven to the dealerships or by being loaded onto car carriers that are driven to the dealerships. Once a car arrives at a dealership, it should contain two key fobs.

PROBABLE CAUSE

9. JASON GIBBS was employed by a contractor of CSX/TDSI called Auto Warehousing Company (AWC), and he worked at the New Boston facility. He held the position of utility porter, and his responsibilities included repairs of vehicles such as battery repair, flat tires, minor body repair and movement of vehicles within the facility.

10. In February 2018, CSX/TDSI received complaints from Ford, Chrysler, and GM about missing key fobs. New cars would arrive at car dealerships with only one key fob. Through customer claims and an internal audit it was discovered all vehicles missing keys had originated at the New Boston facility, not having

been transferred with any other railroad prior to destination, with all trains arriving sealed.

11. A CSX/TDSI manager (D. Ayers) found someone selling key fobs on eBay like the ones that were reported missing. The key fobs were being sold through an eBay account called *i_love_12volts*. That eBay account was assigned to someone by the name of Kerry Reyna of Trenton, Michigan. Reyna was not employed at the New Boston facility.

12. On March 14, 2018, agents had a conference call with investigators with the Ford Global Brand Protection Group. Postal Inspector Christopher Bradshaw and CSX PD agents informed Ford investigators that they had a person of interest in connection with the missing key fobs, Kerry Reyna, who was selling key fobs on eBay. Ford investigators related that they had a concurrent investigation regarding Kerry Reyna, prior to CSX involvement, and had previously purchased 3 key fobs from *i_love_12volts*. The parcel containing the key fobs was mailed on February 6, 2018, from the New Boston, Michigan, post office to the Ford investigators.

13. Ford investigators were able to connect the 3 key fobs they purchased from *i_love_12volts* to the following three cars:

Ford F-150 VIN: 1FTFW1RG2JFB81342, arrived at New Boston on 01/25/18 and left on 01/26/18

Ford F-150 VIN: 1FTFW1RG3JFB80054, arrived at New Boston on 01/26/18 and left on 01/27/18

Ford F-150 VIN: 1FTFW1RG7JFB79120, arrived in New Boston on 01/26/18 and left on 01/27/18

Agents were then able, through internal audit, to determine that these three Ford F-150s were shipped through the New Boston facility, and each arrived at its destination with one key fob missing.

14. The parcel mailed to the Ford investigators containing the 3 key fobs had a return address of “T. Cotta, 7400 Mansfield, Detroit, MI 48228.” CSX PD agents went to that address and found an obviously vacant residence, with open doors and missing windows.

15. On March 21, 2018, the Wayne County Prosecutor’s Office learned that previous residents of 7400 Mansfield included Terrell Cotta-Gibbs and JASON GIBBS. New Boston CSX/TDSI records indicated that JASON GIBBS was employed at the New Boston facility as an employee of Auto Warehousing Co., a contractor of CSX/TDSI. GIBBS was a utility porter with access to the new cars being shipped through the New Boston facility. Per open source Facebook information, Kerry Reyna and JASON GIBBS were friends and grew up in the same neighborhood of west Detroit. They were also the same age.

16. On March 21, 2018, Postal Inspector Christopher Bradshaw determined, using postal databases, that postage for the parcel containing the 3 key fobs mailed

to Ford investigators was paid for on February 6, 2018, with a debit card in the name of JASON GIBBS. As previously stated, the 3 key fobs were mailed to the Ford investigators from the New Boston Post Office on February 6, 2018.

17. Ford investigators related that their payment to *i_love_12volts* for the 3 key fobs was made to PayPal account **@scarpone21**. An open source search of **@scarpone21** as listed on the PayPal receipt was associated with JASON GIBBS' Instagram account.

18. On May 22, 2018, CSX PD agents and Postal Inspectors executed a search warrant at the residence of JASON GIBBS, 3452 Monroe Street, Dearborn, Michigan. GIBBS agreed to be interviewed and stated

- that 3452 Monroe Street was his primary residence and that he had owned the property since October 2017;
- that he and Kerry Reyna grew up together and were “best friends,” having attended middle school and high school together;
- that he grew up at 7400 Mansfield, Detroit, with his mother, father, and three siblings;
- that he was currently employed by Auto Warehousing Company as a “utility” employee at the New Boston facility and had been so employed for about 4 years; that his responsibilities included such tasks as repairing flat tires and jumping dead batteries; and that as a part of his job, he also “lined up” vehicles by driving them into assigned parking rows to later be placed onto trains by assigned and trained Auto Warehousing Company porters;

- that he used the following social media applications with the following account names: Craig's List (*scarpone21@yahoo.com*), eBay (*scarpone21*), PayPal (*scarpone21*), Facebook (*Jason Gibbs*), and Instagram (*scarpone21*);
- that his eBay account was suspended approximately 6 years ago due to a complaint of selling fake headphones, and that for that reason, he used Kerry Reyna's eBay account (*i_love_12volts*). Reyna knew that GIBBS was using his eBay account.

19. Records obtained from eBay relating to the *i_love_12volts* account show that between December 15, 2017, and February 17, 2018, there were 43 sales transactions in the *i_love_12volts* account involving key fobs. A total of 52 key fobs were sold by *i_love_12volts* to various individuals, who paid *i_love_12volts* a total of \$3,965. These payments were made to the *scarpone21* account at PayPal, which was assigned to JASON GIBBS.

20. Records obtained from PayPal relating to the *scarpone21* account show that between January 27, 2018, and May 16, 2018, there were 22 sales transactions involving key fobs. There appeared to be just one purchaser, an individual in Foothill Ranch, California (the California buyer). Gibbs told agents that he sold these key fobs following phone conversations with the California buyer. PayPal records show that a total of 1,862 key fobs were sold to the California buyer, who paid a total of \$56,605 to the *scarpone21* account at PayPal.

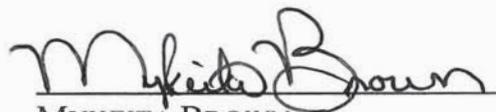
21. In sum, eBay and PayPal records establish that between December 15, 2017, and May 16, 2018, a total of 1,914 key fobs were sold through the *i_love_12volts* account at eBay or following phone conversations between GIBBS and the California buyer count. Payments for the key fobs, which totaled \$60,570, were made to the **scarpone21** account at PayPal. All 1,914 key fobs were associated with cars that were shipped through the New Boston facility and loaded onto autoracks, which became a part of CSX freight trains. The destinations of these CSX freight trains were all located outside of Michigan.

22. During this period, CSX/TDSI received loss claims from Ford, Chrysler, and GM for 376 single missing key fobs. All of the cars associated with the missing key fobs were transported through the New Boston facility. These 376 key fobs were a part of the total number of key fobs sold (1,914) for which payment was made to the **scarpone21** account at PayPal. The average claim for a missing key fob was \$250.

23. eBay and PayPal records show that the California buyer would sell the key fobs he purchased from Gibbs to other members of the public. These sales would be online. The price for a key fob ranged anywhere from \$69 to \$160. It is believed that the end users would use the key fobs attempt to reprogram them so they could be used on other cars.

24. As described above in Paragraph 18, agents executed a search warrant on May 22, 2018, at 3452 Monroe Street, Dearborn, Michigan, the residence of JASON GIBBS. May 22 was also the last day GIBBS worked at the New Boston facility. His official termination date was May 27, 2018. No sales of key fobs to the California buyer occurred after May 16, 2018. No claims were made by Ford, Chrysler, or GM for missing key fobs associated with cars that were transported through the New Boston facility after May 22, 2018.

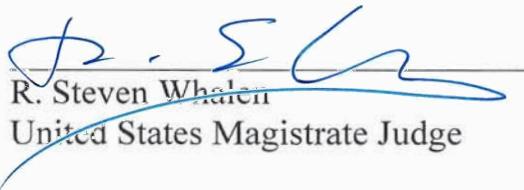
25. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that JASON GIBBS did steal and unlawfully carry away goods (key fobs) that were a part of interstate shipments of freight, in violation of 18 U.S.C. § 659.



MYKEITA BROWN
United States Postal Inspector

Sworn to before me and subscribed in my presence and/or by reliable electronic means on the _____ day of July 2020.

July 6, 2020



R. Steven Whalen
United States Magistrate Judge